

Response Under 37 C.F.R. 1.116

Applicant: Pat Reich

Serial No.: 10/821,026

Filed: April 8, 2004

Docket No.: A480.101.101

Title: RIDING MOWER WITH DECK
HEIGHT ADJUSTMENT**REMARKS**

Applicant respectfully traverses the rejection based on Swartzendruber et al. Claims 1-14 and 17 specify a deck height adjustment apparatus in which one end of a moveable arm is pivotally connected to a lever that in turn is pivotally connected to the frame of the mower. The second end of the moveable arm is operably connected to the deck lift mechanism. The arm is also claimed as having a shoulder between the two ends of the moveable arm that extends normal to the arm. It is the shoulder that engages a cam wheel to define a deck height according to the radius of the cam wheel outer edge selected for contact with the shoulder.

The Examiner asserts that a plate 90 of Swartzendruber et al. satisfies the moveable arm and shoulder requirement. However, it is clear that item 90 is not pivotally connected to the lever and is not a moveable arm as defined in the claims. Rather, item 90 is a plate that is connected to a rockshaft 70. The rockshaft 70 is connected between plates 72 and 74. A rod 69 connects between plate 72 and a foot pedal operated by lever 62. Actuation of lever 62 causes plate 72 to pivot thereby causing the rockshaft 70 to pivot and move plate 90 relative to a cam shaft. Because item 90 is not pivotally connect to the lever on one end and connected to the lift mechanism at the other end and because item 90 lacks a shoulder between the two ends that extends normal to the arm, Swartzendruber et al. does not anticipate, suggest or teach claims 1-14 and 17. Accordingly, withdrawal of the rejection of claims 1-4, 9, 14 and 17 under 35 U.S.C. 102(e) is warranted and Applicant respectfully requests reconsideration and allowance of the same.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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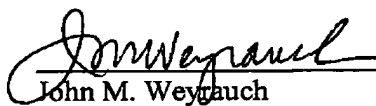
Any inquiry regarding this Response should be directed to John M. Weyrauch at Telephone No. (612) 767-2511, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Examiner Alicia M. Torres of Group Art Unit 3671, Fax No. (571) 273-8300 on this 1st day of March, 2006.

By: 

Name: John M. Weyrauch

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